

### **REMARKS**

The following issues are outstanding in the pending application:

- Claims 13-16, 17, 25 and 27 are rejected under 35 USC 112;
- Claims 1-9, 13-15, 17-21, 25, 27 and 28 are rejected under 35 USC 102;
- Claims 10-12 are rejected under 35 USC 103;
- Claims 16 and 26 are rejected under 35 USC 103; and
- Claims 22-24 are rejected under 35 USC 103.

#### **Claim Amendments**

The claims have been amended in order to more clearly define the subject matter of the invention. The subject matter of claim 2 has been added to independent claims 1, 21 and 25. These claims now recite a method for permanently deforming a flexible film material that includes forming a receptacle depression, in which the film material is kept under controlled tension while it is being moulded, so that controlled creases are formed in the film material such that tension is reduced in a controlled manner during the deforming procedure.

#### **35 USC 112**

Claims 13-16, 17, 25 and 27 have been rejected under 35 USC 112, second paragraph as being indefinite. Applicant believes that claim 27 should be claim 26. Applicant has deleted the term “and/” from the listed claims. Thus, Applicant respectfully submits that this rejection has been overcome.

#### **35 USC 102**

Claims 1-9, 13-15, 17-21, 25, 27 and 28 have been rejected under 35 USC 102(b) as having subject matter anticipated by U.S. Pat. No. 4,246,223 to Patterson. Applicant respectfully traverses this rejection.

Patterson discloses a mechanism to provide predetermined tension on the material during the forming process. Draw pads and spring means are provided that produce a predetermined force and therefore a predetermined friction or resistance that is maintained at a fixed, constant value throughout the forming process. What is released is not the tension but the material itself which is drawn in at a constant tension. Patterson further discloses (Col. 5, lines 40-56) that the friction can be adjusted by means of bolts 126 acting on the springs 122. However, this adjustment is obviously made prior to a specific forming step and is not meant to be performed during the deforming procedure itself. Thus, the predetermined tension that is applied to the sheet material is not changed while deforming takes place.

A claim is anticipated only if each and every element as set forth in the claim is found either expressly or is inherently described in a single prior art reference. *Verdegaal Bros. v Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). Applicant respectfully submits that nowhere does the Patterson reference teach or disclose a method for permanently deforming a flexible film material that includes forming a receptacle depression, in which the film material is kept under controlled tension while it is being moulded, so that controlled creases are formed in the film material such that tension is reduced in a controlled manner during the deforming procedure. In the Patterson reference a predetermined force and therefore a predetermined friction or resistance is maintained at a fixed, constant value throughout the forming process and is not changed while deforming takes place. Therefore, Applicant respectfully asserts that since Patterson fails to teach or suggest each and every limitation of the presently amended independent claims 1, 21 and 25 a rejection under 35 U.S.C. 102(b) cannot be sustained. Since dependent claims 2-9, 13-15, 17-20, 27 and 28 depend at least in part on amended independent claims 1, 21 and 25, they by definition are not anticipated by the Patterson reference. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejection of claims 1-9, 13-15, 17-21, 25, 27 and 28 under 35 U.S.C. 102(b) as having subject matter anticipated by U.S. Pat. No. 4,246,223 to Patterson.

35 USC 103

Claims 10-12 have been rejected under 35 USC 103(a) as having subject matter unpatentable over Patterson in view of U.S. Pat. No. 3,762,125 to Prena. Applicant respectfully traverses this rejection.

Applicant respectfully submits that the previous discussion of the patentability of the current invention over Patterson obviates the present rejection. The Prena reference adds no new teaching to the Patterson reference that would result in the inventive method of amended independent claim 1. Claims 10-12 depend at least in part on amended independent claim 1. If an independent claim is non-obvious under 35 U.S.C. 103, then any claim depending therefrom is by definition nonobvious. *In re Fine*, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). Applicant respectfully asserts that because of their dependency from claim 1, claims 10-12 are nonobvious over these references. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejection of claims 10-12 under 35 U.S.C. 103(a) as being unpatentable over Patterson in view of U.S. Patent No. 3,762,125 to Prena.

Claims 16 and 26 have been rejected under 35 USC 103(a) as having subject matter unpatentable over Patterson in view of U.S. Pat. No. 4,124,421 to Fujii. Applicant respectfully traverses this rejection.

Applicant respectfully submits that the previous discussion of the patentability of the current invention over Patterson obviates the present rejection. The Fujii reference adds no new teaching to the Patterson reference that would result in the inventive method of amended independent claim 1 or 25. Claims 16 and 26 depend at least in part on amended independent claims 1 and 25 respectively. If an independent claim is non-obvious under 35 U.S.C. 103, then any claim depending therefrom is by definition nonobvious. *In re Fine*, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). Applicant respectfully asserts that because of their dependency from claims 1 and 25 respectively, claims 16 and 26 are nonobvious over these references. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejection of claims 16 and 26 under 35 U.S.C. 103(a) as being unpatentable over Patterson in view of U.S. Patent No. 4,124,421 to Fujii.

Claims 22-24 have been ejected under 35 USC 103(a) as having subject matter unpatentable over Patterson in view of U.S. Pat. No. 5,009,056 to Porteous. Applicant respectfully traverses this rejection.

Applicant respectfully submits that the previous discussion of the patentability of the current invention over Patterson obviates the present rejection. The Porteous reference adds no new teaching to the Patterson reference that would result in the inventive method of amended independent claim 21. Claims 22-24 depend at least in part on amended independent claim 21. If an independent claim is non-obvious under 35 U.S.C. 103, than any claim depending therefrom is by definition nonobvious. *In re Fine*, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). Applicant respectfully asserts that because of their dependency from claim 21, claims 22-24 are nonobvious over these references. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejection of claims 22-24 under 35 U.S.C. 103(a) as being unpatentable over Patterson in view of U.S. Patent No. 5,009,056 to Porteous.

### CONCLUSION

In view of the above, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2375, under Order No. HO-P03195US0 from which the undersigned is authorized to draw.

Dated: July 6, 2007

Respectfully submitted,

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